

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1981-03
Bill No.: HB 853
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies.
Type: Original
Date: March 6, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$27,941)	(\$30,356)	(\$31,117)
Total Estimated Net Effect on <u>All</u> State Funds	(\$27,941)	(\$30,356)	(\$31,117)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0 to \$6,200,000	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with fraudulently obtaining a permit to carry a concealable firearm. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the increased costs with existing resources.

Officials from the **Department of Public Safety - Divisions of Fire Safety, Missouri Water Patrol, Liquor Control** and the **Capitol Police** each assumed the proposal would not fiscally impact their respective divisions.

Officials from the **Department of Elementary and Secondary Education, State Auditor's Office, Department of Conservation, Department of Natural Resources**, and the **Missouri House of Representatives** each assume this proposal would not fiscally impact their respective agencies.

Officials from the **Department of Mental Health (DMH)** assume all fiscal issues impact the county sheriffs. There is no direct authority to act nor responsibilities given to the DMH under this bill. It is assumed that the DMH would not be involved in the actions of section 571.094.2(6), but that such information would come to the sheriff from the local court.

In response to similar legislation from this year, officials from the **Office of the State Courts Administrator (CTS)** assumed the principal impact to the judiciary would be in the potential appeals of permit denials. CTS stated that, while they lack sufficient information to predict the number of appeals, they would not expect the number to be large. Present law provides for such an appeal for denial of a permit to purchase a concealable weapon, and there does not appear to be a significant volume of cases.

CTS stated they would expect a few cases to be appealed through small claims court, and go to appellate review regarding the standards used for denial. However, after a period of adjustment, CTS assumes the ongoing volume of appeals of permit denials would be relatively small.

Officials from the **Department of Corrections (DOC)** state that currently, they cannot predict the number of new cases which may result from the creation of the offenses(s) outlined in this proposal. An increase in cases depends on the utilization by prosecutors and the actual sentences

ASSUMPTION (continued)

imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state that according to their Criminal Records and Identification Division (CRID), previous research estimated 60,000 applications for the first year, which would average out to 250 background checks per day. There would be an estimated 40% increase in permits requested the following years.

250 background checks per day

26 processed per hour

12.49 minutes per search = 12.5 FTEs required to keep up with the work load.

13 FTE requested

The FTE are as follows:

5 Fingerprint Technicians (each at \$21,192 annually) - to classify fingerprints, mark cores, search print through AFIS, verify prints, assign identification numbers and file prints.

3 AFIS Entry Operators (each at \$18,132 annually) - to sort prints, verify information cards, perform name checks, and request rap sheets.

2 Criminal History Technicians (each at \$21,720 annually) - to review current rap sheets, contact criminal justice agencies for missing data and verification, coordinate Missouri records with FBI records, and verify rap sheet for mailing.

2 Account Clerks (each at \$17,568 annually) - to reconcile fee payments with background search, prepare copies of requests and documentation of payment, complete transmittal and deposit of funds sheet, pay invoice from the FBI, receive, reconcile and deposit fees received from sheriffs.

1 Supervisor (each at \$26,460 annually) - to oversee the operation for CCW permits.
Employees will require the standard office equipment.

ASSUMPTION (continued)

RAS:LR:OD (12/00)

According to the Patrol's Information System Division (ISD), the proposed legislation would require the design, building, implementation and maintaining of a currently non-existent application to house concealed firearms permit data. The estimates were based upon the types of information that would have to be entered, edited, stored and retrieved. (For example: last name, first name, middle initial, purpose, date of issuance, date of expiration, issuing agency, home address, business address, etc.)

Applications to be designed, developed, modified and supported:
MULES/NCIC
Concealed Firearm Permits

The ISD requests the following FTE for this proposal:

2 Computer Info. Tech. Specialists 1 (each at \$41,136 annually) - one for each of the application areas (MULES and NCIC). The FTEs would be responsible for the application design, development, modification and support of the application.

In addition to FTE, the Patrol's Information System Division stated that there would be annual recurring State Data Center cost for the maintenance of the system. It is assumed that there would be 200 permits per county, times 114 counties plus the City of St. Louis. Virtually every permit would have at least an entry, an inquiry and a modification. The recurring costs at the State Data Center would be for storage, file backups and the processing of entries, inquiries, revocations, and modifications. The cost of the maintenance would be \$12,000.

The MHP's Research and Development Division stated that even if the Patrol was required to design and print the permits, there is no way at this time to estimate the fiscal impact without knowing the design elements that will be required (such as security features). Since the sheriff's offices will receive all funds generated by the permits, they should also bear the costs of printing the permits. The actual permit requirements would be determined in the future with input from sheriffs since theirs would be the departments involved. The Patrol can provide limited design assistance at little additional cost as long as the design of the permit remains simple.

In total, the MHP estimates costs of implementing this proposal would be \$799,219 in FY 2002, \$505,392 in FY 2003 and \$518,120 in FY 2004. These costs are to be incurred in two funds - General Revenue and Criminal Record System.

Oversight assumes that there would some duplication in doing background checks for permits to purchase handguns and other background checks requested by local law enforcement agencies currently being performed and those that would be required in relation to the concealed firearms

ASSUMPTION (continued)

RAS:LR:OD (12/00)

permitting process. Oversight therefore assumes that MHP would require one Fingerprint Technician to review the fingerprints of applicants received, obtain any information needed which is not submitted, search the criminal records database for a criminal history, and process the applications. Some overtime could be required to manage the initial flow of applications since the majority of the applications would occur in the first year of the effect of this proposal.

Texas passed concealed firearms legislation which went into effect January 1, 1996. Texas has an estimated population of 18,000,000, and received approximately 200,000 applications in the first year, but has received a cumulative total of 260,500 applications for a permit since inception. Which means the large majority of concealed weapons permits were received in the first year, and the number of applications subsequent to that has decreased. Missouri has a population of 5,500,000; therefore, applying the same ratio, **Oversight** assumed in similar proposals that Missouri would have 62,000 applications in the first year. After the initial rush, Oversight assumed the number of new applications would drop substantially. When preparing the fiscal note for a similar proposal in the prior legislative session, Oversight officials spoke with MHP staff to confirm that local law enforcement agencies are not charged a fee for running criminal background checks.

Oversight assumes that there would be long-term impact to the state as well as to local law enforcement agencies as the new concealed firearm permit applications diminished and those permitted individuals renewed their permit every three year. Renewed permit fees would be \$50 and would go to the county treasuries and the City of St. Louis as outlined in this proposal. Ongoing costs to the local law enforcement agencies to process permit applications and renewals could exceed revenue generated from new permit applications.

Oversight officials spoke with a Public Information Officer (PIO) from the Texas Department of Public Safety regarding their concealed firearms legislation. The PIO stated that initially there was a glut of applications which resulted in some backlogs. Officials from the Texas DPS expect that their concealed firearm program will fund itself. Currently, the Texas DPS reports there are 215,694 active licenses as of February 1, 2001.

Oversight assumes that local law enforcement agencies could streamline the concealed firearms permitting process by following those procedures used to issue a permit to own a handgun in Missouri. Because the anticipated 62,000 applications in Missouri would be distributed over the entire state, Oversight assumes that most third and fourth class county law enforcement agencies would be able to handle additional duties resulting from this proposal with existing staff.

Officials from the **Boone County Sheriff's Department** estimated revenue of \$7,000 from the permits authorized in this proposal and a cost to their department of \$25,421 (which includes an

ASSUMPTION (continued)

FTE), resulting in a net loss to their department of \$18,421 in the first year.

Oversight assumes the county sheriffs could receive \$6,200,000 in permit fee revenue (62,000 permits x \$100 fee) in the first year and would have unknown costs of implementation, but less than the fee revenue, resulting in a positive fiscal impact for the first year. Permit applications for subsequent years would not be large and therefore, Oversight estimated the fiscal impact to the county sheriffs for the issuance of the permits will be offset by the fee charged for the application and renewal. Therefore, for fiscal years 2003 and 2004, Oversight assumes the costs and revenue to the county and City of St. Louis sheriffs would be unknown amounts, but that they would net to roughly zero. Oversight assumes the provisions for citations and fines for not leaving a no-gun place after being asked to and for not carrying a permit on your person would not generate large amounts of revenue for the counties.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

<u>Costs - Missouri Highway Patrol</u>			
Personal Service (1 FTE)	(\$18,102)	(\$22,265)	(\$22,821)
Fringe Benefits	(\$6,033)	(\$7,421)	(\$7,606)
Expense and Equipment	<u>(\$3,806)</u>	<u>(\$670)</u>	<u>(\$690)</u>
Total Costs - MHP	(\$27,941)	(\$30,356)	(\$31,117)

ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	(\$27,941)	(\$30,356)	(\$31,117)
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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COUNTY SHERIFF'S REVOLVING

<u>Income - Counties and City of St. Louis</u> Permit Fees	\$6,200,000	Unknown	Unknown
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<u>Income - Counties and City of St. Louis</u> Fine and Citation revenue	Unknown	Unknown	Unknown
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<u>Costs - Counties and City of St. Louis</u> Costs of issuance of permits	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

**ESTIMATED NET EFFECT ON
COUNTY SHERIFF'S REVOLVING**

**\$0 to
\$6,200,000**

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal allows county sheriffs to issue permits to individuals that allow them to carry concealed weapons. The permits are valid throughout the state for a period of 3 years.

QUALIFICATIONS FOR OBTAINING A PERMIT

To qualify for a permit to carry concealed weapons, a person must, among other requirements, be at least 21 years of age, have not pled or been found guilty of a crime that is punishable by a prison sentence of more than one year, not be a fugitive, have not been adjudged mentally incompetent, and demonstrate a need to have a permit to carry a concealed weapon and compliance with training requirements. The application for a permit to carry a concealed weapon will include affirmations of the requirements for obtaining a permit, a warning that individuals who make false statements will be prosecuted for perjury, and a statement of compliance with the training requirements.

An applicant who submits an affidavit demonstrating a need to carry a concealed weapon will be accepted as having a per se need to have a permit. Among the circumstances that demonstrate a need to carry a concealed weapon are having an order of protection or restraining order against another individual; working or residing in a high crime area; being a victim of stalking; having responsibility for the care and safety of others; and working as a prosecuting attorney, assistant prosecuting attorney, or circuit attorney.

LIMITATIONS ON WHERE CONCEALED WEAPONS MAY BE CARRIED

The proposal limits where an individual who has a valid permit may carry his or her concealed weapon. It allows governmental units to place limits on the ability to carry concealed weapons

DESCRIPTION (continued)

into areas of public buildings that are leased, owned, or controlled by governmental units. The

limitations include courthouses; meetings of governing bodies or the General Assembly; polling places on election day; adult or juvenile detention facilities, correctional institutions, or jails; airports; schools; and churches. Judges or officers of the court who have permits to carry concealed weapons may carry them into courthouses, and members of governing bodies who have permits to carry concealed weapons may carry them into meetings of the governing body. Violating the statutory prohibitions on carrying concealed weapons in certain locations is grounds for being denied access to or removed from the premises. The proposal sets forth monetary penalties and permit suspensions for frequent violations.

TRAINING REQUIREMENTS

Applicants for a permit to carry a concealed weapon must have completed a firearms safety course. The proposal specifies the types of courses and training that satisfy this requirement, including training provided by law enforcement agencies, a qualified firearms safety instructor, and the military. It also describes the curriculum required for training courses, including classroom work, live firing exercises, and provisions for examinations. Certification and training required for qualified firearms safety instructors are specified. The proposal requires instructors to keep their course records available for at least 4 years. Instructors who provide false information about the performance of an applicant in the training program are guilty of a class C misdemeanor.

ADMINISTRATIVE PROVISIONS

The proposal requires the sheriff to approve or deny an application for a permit to carry a concealed weapon within 30 days of receiving it and requires that the permit be issued within 7 days of approval. The sheriff is required to keep a record of applications for permits and to report all permits issued to the Missouri Uniform Law Enforcement System. An application fee of up to \$100 and a renewal application fee of up to \$50 may be charged, both of which are to be deposited in the Sheriff's Revolving Fund that is established in the proposal.

Alteration or transfer of a permit is a class A misdemeanor. The permit of any person who has an order of protection issued against him or her will be suspended. Permit holders are required to notify the sheriff within specified time limits of changes in permanent residence or when a permit is lost or destroyed.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator

RAS:LR:OD (12/00)

Department of Corrections
Department of Mental Health
Office of the State Public Defender
Office of Prosecution Services
Department of Public Safety
Missouri Highway Patrol
Missouri Water Patrol
Liquor Control
Fire Safety
Capitol Police
State of Texas
Boone County Sheriff's Department

**NOT RESPONDING: Office of the Attorney General, Missouri Gaming Commission,
Greene County Sheriff, Cole County Sheriff, St. Louis County Sheriff, Jackson County
Sheriff**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "T".

Jeanne Jarrett, CPA
Director

March 6, 2001